

Texas Regional Haze SIP Addendum

This is an addendum to a paper entitled, "Texas Regional Haze," dated 4/28/2017. Our ultimate goal remains to work with TCEQ to develop a regional haze SIP that EPA can approve as fulfilling the state's obligation to meet the CAA's visibility requirements, and specifically the BART requirement for subject-to-BART EGUs.

While considering pathways towards an approvable SIP, we note that we have received comments from several BART source owners on EPA's proposed BART FIP, requesting that EPA use a CSAPR-better-than-BART approach for SO₂ BART. We wanted to raise with you the possibility of using CSAPR as an interim measure until there is an approved Texas BART SIP. The idea would be that, in lieu of EPA's adoption of a source-specific BART FIP to meet the court ordered deadline (currently September 9, 2017) and at the request of Texas and all the sources in CSAPR, EPA could finalize removal of Texas's PM 2.5 transport obligations while relying on underlying haze obligations to defer Texas's sources complete exit from CSAPR until Texas has an approved BART SIP in place. Essentially, rather than shifting regulatory obligations from CSAPR to a court-required source-specific BART FIP to a Texas BART SIP (our ultimate goal), sources could stay with the existing regulatory requirements on an interim basis (CSAPR) until the ultimate regulatory requirements (an approved Texas BART SIP) are in place. If this is an option Texas and its CSAPR sources are interested in, we are amenable to exploring it. While the exact process and content can be finalized after more discussions, to implement this approach, we believe we would need a letter from Texas requesting this approach and committing to submit a BART SIP, as well as an opportunity for the public to comment on the approach. We do not know whether Texas or the non-BART CSAPR sources would be interested in this approach, and we are not endorsing it, but wanted to bring it to your attention in the interest of finding a mutually acceptable path forward.